

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dirk Zierer et al.

Application No.: 10/570,585

Confirmation No.: 5293

Filed: March 29, 2006

Art Unit: 1796

For: POLYOXYMETHYLENE HOMOPOLYMERS
AND COPOLYMERS, AND PRODUCTION
AND USE THEREOF

Examiner: Duc Truong

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement set forth in the Office Action mailed March 23, 2009, applicant hereby provisionally elects Group I, claims 1-13 and 22-23, for continued examination, with traverse.

The Examiner requests that we elect one of the following inventions:

Group I, claim(s) 1-13 and 22-23, drawn to a homo-or copolyoxymethylene.

Group II, claim(s) 14-20 and 24, drawn to a process for the chain extension of homo-or copolyoxymethylenes.

Group III, claim(s) 25, drawn to a method for producing moldings, fibers, films, hoses, pipes, rods, or profiles.

Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner. For the above reasons, the applicant respectfully requests that this restriction requirement be withdrawn.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05587-00401-US from which the undersigned is authorized to draw.

Dated: May 19, 2009

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/
Ashley I. Pezzner

Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant